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THAILAND: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

DISCLAIMER

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Bangkok, Thailand for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may no longer be complete nor as precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

Please contact this office if you have any comments, corrections or suggestions. The e-mail address is agbangkok@usda.gov.

SUMMARY

Thailand's food industry is governed by the **Food Act of B.E. 2522 (1979)** and subsequent laws stipulated by the Ministry of Public Health. In general, imports of food for sale in the kingdom require an import license and standard labeling according to domestic regulations. Product registration is required only for *specifically-controlled food*. Some agencies of the Ministry of Agriculture and Cooperatives monitor the import of such certain food products as meat, fruits and vegetables, through import permits and phytosanitary or sanitary certificates. In addition, 23 agricultural commodities are subject to the tariff-rate-quota system administered by the Ministry of Commerce.

An overview of import procedures for foods into Thailand is indicated below:

Product	Government Agency	Requirements/ Conditions for Import/ Sales	Estimated Length of Time in the Process	Costs/Fees in Each Process
1. Processed Food				
1.1. Specifically - Controlled	FDA	1. Import license	4 weeks	15,000 baht (US\$ 370)
		2. Product Registration	4-8 weeks	5,000 baht (US\$ 125)
		3. Standard labeling	4-7 days	Free
		4. Other labeling may		
		Be required:		
		- Nutrition labeling	1-2 weeks	12,000 baht (US\$ 300)
		- GMO labeling	Importer does a label/FDA monitors	
1.2. Standardized	FDA	1. Import license	4 weeks	2,000 baht (US\$ 50)
		2. Standard labeling	4-7 days	Free
		3. Other labeling may		
		Be required:		
		- Nutrition labeling	Importer does a label/FDA monitors	
		- GMO labeling	Importer does a label/FDA monitors	
1.3. Food required to bear label	FDA	1. Import license	1-2 weeks	2,000 baht (US\$ 50)
		2. Standard labeling	4-7 days	Free
		3. Other labeling may		
		Be required:		
		- Nutrition labeling	Importer does a label/FDA monitors	
		- GMO labeling	Importer does a label/FDA monitors	
1.4. General	FDA	1. Import license	1-2 weeks	2,000 baht (US\$ 50)
		2. Other labeling may		
		Be required:		
		- Nutrition labeling	Importer does a label/FDA monitors	
		- GMO labeling	Importer does a label/FDA monitors	
2. Meat and carcasses (Frozen or Chilled)	Department of Livestock Ministry of Agriculture	1. Import permit	1-2 weeks	
		2. Health Certificate	The certificate must be presented at shipment arrival.	
3. Seafood (Frozen or Chilled)	FDA	Import license	3-15 days	15,000 baht (US\$ 375)
4. Fruit and vegetable	Department of Agriculture Ministry of Agriculture	1. Import permit	1-3 weeks	50 baht (US\$ 1)
		2. Phytosanitary Certificate	The certificate must be presented at shipment arrival.	

SECTION 1: FOOD LAWS

The food laws and regulations governing the Thai food industry are confined to the scope of the **Food Act of B.E. 2522 (1979)**. The Ministry of Public Health is designated by law to take executive charge of the Act. Food control activities are the responsibility of the Food and Drug Administration (FDA), which is one of the departments of the Ministry of Public Health.

The Food Control Division, under the FDA, is responsible for the control of licensing of local manufacturing and importation of food products, registration of *specifically-controlled food*, and food labeling. Standard requirements for *specifically-controlled food* and codes of hygienic practices as guidelines for domestic manufacturers and importers are elaborated, handled and periodically issued in the Ministerial Notifications by the food control division.

1.1 Food Act of B.E. 2522 (1979)

The **Food Act of B.E. 2522 (1979)** remains in effect. The Act defines the word “Food” as edible items and those which sustain life, including:

- (a) Substances that can be eaten, drunk, dissolved in the mouth or induced into the body by mouth, no matter in what form, but not including medicine, psychotropic and narcotic substances.
- (b) Substances intended for use or to be used as ingredients in the production of food including food additives, coloring and flavoring materials.

The Act classifies food into four categories as listed in the following table.

1. *Specifically-controlled food* - the category for which registration is required. Legal provisions are established regarding standard quality, specifications, packaging and labeling requirements, as well as other aspects of good manufacturing practice. At present, 17 types of food have been listed in this category.

2. *Standardized food* - the category for which quality standards will be defined by regulations. Food in this category is mainly locally produced food from small-scale or household industry. The main objective is to facilitate and encourage food producers on upgrading or at least maintaining hygienic quality of their products. Standardized food does not require registration but its quality and labeling have to meet the standard requirements as specified in the Notification of the Ministry of Public Health. There are 27 types of food in this category.

3. *Food required to bear standard labels* - the category which needs less-restricted control than the first two categories, as food under this category exposes a low risk of hazard to consumers' health. There are 12 items of food in this category.

4. *General food* - food either raw, or cooked, preserved or non-preserved, processed or non-processed, if they are not listed under category 1, 2, or 3 will be considered as general food. Although registrations are not required, general food products are controlled and monitored on hygiene, safety, labeling and advertisement.

Food Category

No.	Type of Food	Remarks
I.	Specifically-Controlled Food	<ul style="list-style-type: none"> For food imports for sale, import license, product registration and labeling approval are needed.
1.	Food in Sealed Containers	
2.	Sodium Cyclamate and Food Containing Sodium Cyclamate	
3.	Modified Milk for Infants	
4.	Flavored Milk	
5.	Cultured Milk	
6.	Milk	
7.	Drinking Water in Sealed Containers	
8.	Ice	
9.	Other Milk Products	
10.	Food Additives	
11.	Food Enhancers	
12.	Food Color	
13.	Infant Food	
14.	Food for Weight Control	
15.	Supplementary Food for Infant and Children	
16.	Food in Sealed Containers	
17.	Ice Cream	
II.	Standardized Food	<ul style="list-style-type: none"> For food imports for sale, import license and labeling approval are needed. As for table salt, no labeling approval is needed.
10	Coffee	
20	Table Salt	
30	Fortified Rice	
40	Quicklime Soaked Egg	
50	Cream	
60	Mineral Drinks	
70	Chocolate	
80	Tea	
9.	Some Particular Sauces	
10.	Soybean Milk in Sealed Containers	
11.	Vinegar	
12.	Peanut Oil	
13.	Coconut Oil	
14.	Palm Oil	
15.	Butter Oil	
16.	Edible Oil Derived from Animal or Vegetable	
17.	Fish Sauce	
18.	Mineral Water	
No.	Type of Food	Remark

19.	Butter	
20.	Honey	
21.	Cheese	
22.	Margarine	
23.	Ghee	
24.	Products from the hydrolysis or fermentation of soybean protein	
25.	Jam, Jelly, and Marmalade in Sealed Containers	
26.	Royal Jelly and Royal Jelly Products	
27.	Semi-Processed Food	
III.	Food Required to Bear Standard Labels	• For food imports for sale, import license and labeling approval are required.
1.	Bread	
2.	Sauce in Sealed Containers	
3.	Seasoning Salted Water	
4.	Husked Rice Flour	
5.	Garlic Products	
6.	Processed Meat Products	
7.	Flavoring Agents	
8.	Processed Agar and Jelly	
9.	Chewing Gums and Candies	
10.	Processed Food Ready for Consumption	
11.	Food Used for Special Purpose	
12.	Irradiated Food	
IV.	General Food	• For food imports for sale, import license and labeling approval are required.

The food products listed above have standard requirements announced by the Ministry of Public Health in the Ministerial Notifications. Also, there are other Ministerial Notifications concerning control aspects of other items associated with food. Among these are Quality Standards of Food Containers, Plastic Containers, Feeding Bottles, Labeling Requirements and Nutrition Labeling.

1.2 Prohibited Food and Substances

(1) Substances prohibited to be manufactured, imported or sold: Dulcin, cyclamic acid and its salts, AF-2 (Furylframide), potassium bromate, food containing Daminozide (Succinic acid 2, 2-dimethyl hydrazide). Except for export: sodium cyclamate, stevia.

(2) Food prohibited to be manufactured, imported, or sold: corn and corn products with Cry 9C DNA Sequence.

(3) Food prohibited to be imported or sold: (a) food of which declared "expiration date" or "best before date" has been passed; (b) beef and beef products from Great Britain, Portugal, France, Ireland, Switzerland, Belgium, Germany, Netherlands, Denmark, Italy, Liechtenstein, Luxembourg, Spain, Czech, Greece, Japan, Slovakia, Slovenia, Austria, Finland, Israel, Poland,

Canada (July 2003), and U.S.A. (December 26, 2003).

(4) Substances prohibited to be used as ingredients in food: see the negative list of food additives in Section 4.

1.3 Regulatory Procedures

While some of the following information does not specifically apply to U.S. exporters, the following will be levied upon importers of products, including U.S. products. The principles of the regulatory procedures for food involve the following aspects.

1.3.1 Pre-marketing Control

Activities at this stage are the responsibility of the Food Control Division.

(A) Establishment of food standards and manufacturing requirements

The established standards as supervised by the subcommittee on food standards and local manufacturing requirements are minimum acceptable requirements.

(B) Control of food manufacturing

Local food manufacturers must apply for a license prior to proceeding with their business. Plant layouts must be submitted for approval to the Food Control Division. The FDA inspectors will then visit and inspect the plant before a manufacturing license can be issued. It is the responsibility of the licensee to renew the license every three years.

(C) Control of food importation

A license is required for importing food for sale in the country. A licensee may import various kinds of food provided that they are approved by the Office of Food and Drug Administration. FDA inspectors will visit and examine the appropriateness of the designated storage place or warehouse before a license is issued. A license to import must be renewed every three years.

A temporary import license will be needed for occasional import of food i.e. for exhibition. An exemption will be granted only for the import of food samples for laboratory test and consideration for purchase. The details in applying an import license are provided in Appendixes of the report, including a flow chart of import license procedures (Appendix C), the application form of importing food into Thailand and documents required in applying an import license (Appendix D).

(D) Food product registration

Importers of food products deemed to be *specifically-controlled food* are required to register the products before importation for sale. However, exemptions are granted for products imported directly by food service outlets and manufacturers for their own

use as ingredients or materials for food processing.

Applications for product registration should be submitted to the Food Control Division, FDA. For those residing outside the Bangkok Metropolitan area, applications can be submitted to the concerned Provincial Office of Public Health concerned.

The approximate amount of time required for product registration, starting from submitting the application, is about one month. However, delays are usually caused by inaccurate or unacceptable details in the documents. There is little chance for registering a product unless the manufacturer or exporter provides the necessary details required by the FDA.

The following details are needed for product registration:

- Name and type of food
- Characteristics of food (in accordance with the food analysis report)
- Type and size of container/packing
- Name and quantity of the ingredients in the food
- Manufacturing process
- Name of producer and place of production

With the application, an importer must attach labels (both foreign and Thai language labels), result of analysis of the food (not over one year) by a government laboratory or institution specified by the FDA, and other required materials dependent on the types of food. For imported food products, the results of food analysis from the government or accredited laboratory in the manufacturer's country are acceptable. A food sample is required for FDA's inspection.

Documents showing the formulas and manufacturing processes from the manufacturer or exporter are required for certain types of food, e.g. infant food, baby food supplements, medical food, and food for special purposes.

Clinical data that show that the product brings about desired results as indicated and is safe for consumption is required in the case of medicinal food, food for special purposes, and food for weight control. Such information must have already been published in a reliable professional journal.

A certificate from the exporter's home country government authority may be needed for food supplements in the form of mixture and novelty food in order to certify that such food is being sold as food in the manufacturer's country.

Once a product license is granted, it shall be valid ad infinitum, but can be revoked by the Minister of Health if found later that the details of food do not conform to the details in the approved food recipe or is adulterated or unsafe for consumption.

A translated copy of the product registration application form, translated from Thai is provided in Appendix C. Note that the application form must be submitted in Thai.

The standard fee for a product license is THB 5,000 (approximately USD 125), in addition to another fee for official laboratory testing.

A food product, either manufactured or imported, if categorized as *specifically-controlled food*, must be registered. Analytical results for the product as well as details on manufacturing processes and its ingredients must be submitted along with an application for registration.

The details of applying for food product registration are provided in Appendixes of the report, including a flow chart of product registration and product labeling procedures (Appendix E), the application form of product registration (Appendix F), and documents required in applying product registration (Appendix G).

(E) Control of food labeling

Imported food products, which are categorized as *specifically-controlled food*, *standardized food*, and *food required to bear labels*, are required to bear standard labels. More details on the standard label requirements are provided in Section 2. In addition, this report provides a flow chart of product registration and product labeling procedures (Appendix E), the application form for product labeling (Appendix H), and the documents required in applying for a product label (Appendix I).

(F) Control of nutrition labeling

Nutrition labeling is also required for some specific products. More details on the standard label requirements are discussed in Section 2.

(G) The requirement of Good Manufacturing Practice

On July 24, 2003, the **Ministerial Notification No. 193, B.E. 2543 (2000)**, Titled "Method of Food Manufacturing and Equipment for Manufacturing Food and Food Storage", will be applied to all domestic manufacturers and foreign suppliers of 54 types of products.

The covered products under this regulation are listed as follows:

1. Infant food and uniform food for infant and children
2. Supplementary food for infant and children
3. Modified milk for infant and uniform modified milk for infant and children
4. Ice
5. Drinking water in sealed containers
6. Beverage in sealed containers
7. Food in sealed containers
8. Cow's milk
9. Cultured milk
10. Ice cream
11. Flavored milk
12. Milk products
13. Food additives

14. Food color
15. Food flavoring substances
16. Sodium cyclamate and food containing sodium cyclamate
17. Food for weight control
18. Tea
19. Coffee
20. Fish sauce
21. Water by-products from manufacturing of monosodium glutamate
22. Natural mineral water
23. Vinegar
24. Edible oil and fat derived from animal or vegetable
25. Peanut oil
26. Cream
27. Butter oil
28. Butter
29. Cheese
30. Ghee
31. Margarine
32. Semi-processed food
33. Some particular sauces
34. Palm oil
35. Coconut oil
36. Mineral drink
37. Soybean milk in sealed containers
38. Chocolate
39. Jam, jelly, marmalade in sealed containers
40. Food for special purpose
41. Quicklime soaked egg
42. Royal jelly and royal jelly products
43. Products from the hydrolysis or fermentation of soybean protein
44. Honey (except where the place of manufacturing does not fall under the description of a factory under the law-governing factory)
45. Fortified rice
46. Brown rice flour
47. Salted water for food flavoring
48. Sauce in sealed containers
49. Bread
50. Gum and candy
51. Processed agar and jelly
52. Garlic products
53. Flavor and odor additives
54. Frozen food

Domestic manufacturers of these products are obligated to comply with the method of food manufacturing, tools and equipment for manufacturing food, and food storage according to the Good Practice in Food Manufacturing governing general sanitation. Meanwhile, any importer of the covered products must present an equivalent certificate of GMP for certain factories or plants, which manufacture those products in line with the Thai GMP Law. The GMPs accepted can be any of the followings: a) GMP by Thai Law; b) GMP by Codex; c) HACCP; d) ISO 9000; and e) other practice equivalent to (a)-(d).

For U.S. food products, Thai FDA officials agree that U.S. practices (it is understood that all U.S. food manufacturers are already subject to 21CFR part 110) are normally

superior to the GMP under the present Thai GMP Law. Accordingly, any simple statement/certificate (including HACCP certificate) that is endorsed by USG agencies will be acceptable. The statement may contain sayings like "the food product(s) are manufactured by U.S. processing plant(s) which is(are) subject to 21CFR part 110".

1.3.2 Post-marketing Control

(A) Monitoring compliance with the regulations

Monitoring processes primarily make sure that food distributed to consumers is wholesome and complies with the national food standards. Inspection of food factories and premises throughout the country are regularly conducted together with sampling of food products for laboratory tests. In the case of violations or seizures, product recall and prosecution will be executed. Inspection, monitoring and legal actions are the responsibility of the Inspection Division of Thai FDA. Technical advice on development of food production, delivery, handling and storage may be given during the monitoring processes.

(B) Food surveillance

The aim of the program is to assure the safety and quality of food distributed in the market throughout the country. Food surveillance is conducted by several ministerial organizations, e.g. Ministry of Agriculture and Co-operatives, Ministry of Science, Technology and Environment, Ministry of Industry, Office of the Prime Minister, and the Bangkok Metropolitan Administration. The FDA plays a major role. FDA inspectors will take samples of food in markets from time to time and whenever problems are identified. The samples will be delivered to the Food Analysis Division, Department of Medical Science, for further analysis of toxins, pesticide residues, heavy metals, nutritional values, and standard conformity. Warning and legal actions such as seizure, product recall, etc. will be taken depending on the degree of violation.

1.3.3 Control of Food Advertising

Any form of food advertisement through any public media is subject to approval from the FDA. Advertising false or deceptive quality or benefit is prohibited. The Advertisement Control and Public Relations Division is responsible for approval of the statements and visual performances to be used in food advertising.

SECTION 2: LABELING REQUIREMENTS

2.1 Standard Labeling

For imported food products or domestic food products which are categorized as *specifically-controlled food, standardized food, and food required to bear labels*, are required to bear standard labels. A Thai label must be applied where needed prior to entry. Failure to apply the label before entry will likely result in a penalty charge by the Customs Department and product seizure by the FDA. As products imported for sale may not enter into Thailand with standard U.S. labels only, stick-on labels, meeting local requirements, must be affixed. Note that the approved label, corresponding to its food package size, must be applied to every single item of food. There is no exemption for any industrial container for distribution purpose that a Thai label shall be applied only on the main outer package.

Based on the **Ministerial Notification No. 194 B.E. 2543 (2000)**, the details in standard labeling requirement are different between food products directly sold to consumers and these food products sold to food manufacturers as production ingredients.

2.1.1 Labeling of Food Products Directly Sold to Consumers

Labels for food products directly sold to consumers shall be presented in Thai with or without a foreign language and shall have the following details, except for those allowed to be omitted by the FDA:

1. Name of food.
2. Food serial number.
3. Name and address of manufacturer or repacker, as the case may be, together with the country where the product is manufactured.
4. Net content of food in metric system.
 - 4.1 Powdered, dry or solid food products shall display net weight.
 - 4.2 Liquid food products shall display net volume.
 - 4.3 Semi-solid or semi-liquid food products can display either net weight or net volume.
 - 4.4 Other food products shall display net weight.
 - 4.5 Food products in sealed containers shall display net content as well as drained weight except food ingredients cannot be separated from the liquid part.
5. Essential ingredients listed as percentage of the total, starting with the major ingredient For concentrated products or those needing to be diluted or dissolved before consumption, the proportion of the products when diluted or dissolved must be displayed.
6. The words "Preservatives used", if any.
7. The words "Natural food color added" or "Chemical food color added" shall appear if used.
8. The words "Natural flavor added", "Artificial flavor added", etc. shall be presented, if used.
9. The words "Artificial sweetener added" if used.
10. The words "Natural scent enhanced" or "Artificial scent enhanced" if any.
11. Date, month and year of manufacture; month and year of manufacture; date, month and year of expiry; or date, month and year within which food remains in good quality or conforms to the standard. Accompanied by the word "Manufactured", "Expire" or "Use Before", as the case may be, note that:
 - (a) The date, month and year of manufacture; the date, month and year of expiry; or the date, month and year within which food remains in good quality or conforms to the standard is used to described food which can be stored for not more than 90 days.
 - (b) The month and year of manufacture; the date, month and year of expiry; or the date, month and year within which food remains in good quality or conforms to the standards is used to described food which can be stored for more than 90 days.

(c) The date, month and year of expiry is used to describe certain food products specified by the FDA e.g. modified milk for infants, infant food, supplementary food for infants and children, etc.

The food manufacturer or importer may request the FDA to display the date, month and year of expiry for other types of food not stipulated. The information on item (a) and (b) mentioned above shall be presented in the “Principal Display Panel” whereas the information concerning item (c) can be displayed either in the “Principal Display Panel” or on the top or the bottom part of the container. If displayed at the bottom part of the food container, there shall be a statement indicating where to check for the manufactured date, expiry date or the date within which the food still remains in good quality or conforms to the standard.

12. Storage instructions, if any.
13. Preparation instructions, if any.
14. Specific texts to be displayed clearly are usually for food products that need precautions before use. For example, “Not Used As Infant Food” and “Not to Replace Infant Milk” shall be presented.
15. Instructions on use and other useful information for products for use by a specific group of consumers e.g. a table showing baby-feeding schedule.
16. Labels with statements, pictures, photographs, signs, trademarks, etc. shall not give misleading or exaggerating implications about the products.
17. The label shall not contain pictures, photographs, signs, trademarks, and etc., which either explicitly or implicitly advertise other products.

2.1.2 Labeling of Food Products sold to Food Manufacturers as Production Ingredients

A Thai label is required except for imported products where the English label is allowed. The label must at least contain the following:

1. Name and type of food
2. Food serial number
3. Net content of food in metric system
4. Name and country of the manufacturer

In this case, although a label containing Thai language is not required for imported products, the products must have the FDA’s product registration number or label approval number.

2.2 Nutrition Labeling

The regulations on nutrition labeling are based on the **Ministerial Notification No. 182 of B.E. 2541 (1998)** and **No. 219 of B.E. 2544 (2001)**. Nutritional labeling is mandatory for the following types of food.

- Food making a specific nutritional claim;
- Food which makes use of nutritional values in sale promotion;
- Food which specifically targets a group of consumers e.g. students, executives, elderly people, etc;
- Other foods which may be specified by the FDA.

Exemptions from these nutrition-labeling regulations (as defined in Ministerial Notification No. 182) are infant food, supplementary food for infants and children and other types of food for which labeling requirements have been otherwise regulated; food not directly sold to consumers; and food packed in small containers which aims to be repacked and sold in a larger container.

Nutrition labeling must be presented in Thai with or without a foreign language. The standard U.S. nutrition fact panel is not acceptable as Thai Recommended Daily Intakes may not be identical to the U.S. Recommended Daily Intakes. In addition, differences may exist in serving size and reference amount.

Depending upon the labeling space, different formats are applicable, on either a vertical or horizontal basis. An example of standard comprehensive nutrition facts is provided. The format is similar to the U.S. nutrition fact panel but not identical:

Nutrition Facts			
Serving Size: Servings Per Container			
Amount Per Serving			
Total Calories .....kcal (Calories from Fat ¼.. kcal)			
		% Recommended Daily Intakes *	
Total Fat	.....g	 %
Saturated Fat	.....g	 %
Cholesterol	.....mg	%
Protein	.....g	 %
Total Carbohydrate	.....g	%
Dietary Fiber	.....g	%
Sugars	.....g	 %
Sodium	.....mg	 %
		% Recommended Daily Intakes *	
Vitamin A	.... %	Vitamin B1 %
Vitamin B2	.... %	Calcium %
Iron %		
* Percent recommended daily intakes are based on a 2,000 kcal diet for Thais aged six and upwards.			
Individual calorie needs may differ. Based on a 2,000 kcal daily diet, the nutrient intakes shall be as follows.			
Total Fat	Less than	65 g	
Saturated Fat	Less than	20 g	
Cholesterol	Less than	300 mg	
Total Carbohydrate		300 g	
Dietary Fiber		1 g	
Sodium	Less than	2,400 mg	
Calories (kcal) per gram: Fat = 9; Protein = 4; Carbohydrate = 4			

Details on serving size and servings per container may be omitted where the reference on serving size cannot be determined due to the nature of that food. Hence, instead of the statement “Amount per serving”, the statement “Amount per 100 g” or “Amount per 100 ml” shall be used as appropriate.

2.3 GMO Labeling

The Thai Government has banned the commercial planting of transgenic seed but does allow imports of transgenic soybeans and corn for a wide-range of domestic use, in both the feed milling and food processing industries.

On May 11, 2003, the Ministry of Public Health’ labeling law for food containing Genetically Modified Organisms (GMO) materials/products, which was issued in April 2002, was

implemented. The regulations, claiming to protect consumers, were apparently based on the Japanese model allowing for a 5 percent tolerance. In addition, the regulations appeared to hurt U.S. interests, as corn, corn products, soybeans, and soy products have been targeted.

The products covered by this law are listed as follows:

1. Soybeans
2. Cooked soybean
3. Roasted soybean
4. Bottled or canned soybean or soybean contained in retort pouch
5. Natto
6. Miso
7. Tofu or Tofu fried in oil
8. Frozen tofu, soybean gluten from tofu or its products
9. Soybean milk
10. Soybean flour
11. Food containing product(s) from (1) to (10) as main ingredient
12. Food containing soybean protein as main ingredient
13. Food containing green soybean as main ingredient
14. Food containing soybean sprout as main ingredient
15. Corn
16. Popcorn
17. Frozen or chilled corn
18. Bottled or canned corn or corn contained in retort pouch
19. Corn flour or cornstarch
20. Snack deriving from corn as main ingredient
21. Food containing product(s) from (15) to (20) as main ingredient
22. Food containing corn grits as main ingredient

Under the regulations for processed products containing more than one ingredient, labeling will only be required for the top three ingredients by weight, if each ingredient constitutes 5 percent or more of the final product and 5 percent or more of that ingredient is derived from GMO ingredients.

Due to a lack of laboratory facilities, the Ministry of Public Health implements the regulation enforcement on a post-marketing basis. This means that product labeling by the producer/importer will be voluntary on their own judgment. However, the products may be confiscated and the producer/importer will be subject to the penalties applicable if the government inspector proves that the products are supposed to be GMO labeled. More details about GMO labeling procedures are provided in the Manual for Labeling Procedures for GMO Products according to the **Ministerial Notification No. 251, B.E. 2545 (2002)** (Thai language).

2.4 Thai Recommended Daily Intakes (Thai RDIs)

The Thai Recommended Daily Intakes (Thai RDIs) for people of six years of age and older were established to be guidelines for nutrition labeling. Developed with reference to the Thai Recommended Daily Dietary Allowances (Thai RDA), the U.S. RDA and Codex's Nutrient Reference Values, details on the Thai RDIs are provided below.

No.	Nutrient	Thai RDI Unit	
1	Total Fat	65*	Gram
2	Saturated Fat	20*	Gram
3	Cholesterol	300	Milligram
4	Protein	50*	Gram
5	Total Carbohydrate	300*	Gram
6	Dietary Fiber	25	Gram
7	Vitamin A	800 (2,664)	Microgram RE (IU)
8	Thiamin	1.5	Milligram
9	Riboflavin	1.7	Milligram
10	Niacin	20	Milligram NE
11	Vitamin B6	2	Milligram
12	Folic Acid	200	Microgram
13	Biotin	150	Microgram
14	Pantothenic Acid	6	Milligram
15	Vitamin B12	2	Microgram
16	Vitamin C	60	Milligram
17	Vitamin D	5 (200)	Microgram (IU)
18	Vitamin E	10 (15)	Milligram Alpha TE (IU)
19	Vitamin K	80	Microgram
20	Calcium	800	Milligram
21	Phosphorus	800	Milligram
22	Iron	15	Milligram
23	Iodine	150	Microgram
24	Magnesium	350	Milligram
25	Zinc	15	Milligram
26	Copper	2	Milligram
27	Potassium	3,500	Milligram
28	Sodium	2,400	Milligram
29	Manganese	3.5	Milligram
30	Selenium	70	Microgram
31	Fluoride	2	Milligram
32	Molybdenum	160	Microgram
33	Chromium	130	Microgram
34	Chloride	3,400	Milligram

Notes: 1 * RDIs for total fat, saturated fat, protein and total carbohydrate are 30, 10, 10 and 60 respectively of the total daily calories (2,000 kilocalories).

2 Sugar intake should not be more than 10% of the total daily calories.

Note that the total daily calories needed for an individual may be either higher or lower than 2,000 kcal, depending on several factors involved i.e. age, sex, and physical activity level.

2.5 CLAIMS

2.5.1 Nutritional Claim

A nutritional claim means any presentation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. Nutritional claims constitute nutrient content claim, comparative claim and nutrient function claim.

As the Thai FDA generally uses Codex and U.S. FDA standards as guidelines, the descriptors

used in nutrient content claim (e.g. low in cholesterol) and comparative claims (e.g. “less”, “reduced”) generally have very similar definitions to those of U.S. Food Labeling. However, there may be some differences in the use of certain terms such as “good source of”, “rich in”, etc. Note that differences may exist in serving size, reference amount and local recommended daily intakes. Further details can be obtained from the Food Control Division, FDA.

(A) Nutrient content claims are a nutrition claim that described the level of nutrient contained in a food. Examples are “source of calcium”, “high in fiber and low in fat”, etc. A food that is by its nature low in or free of the nutrient that is the subject of the claim shall not include the term “low” or “free” in the name of the food. Instead, a claim statement may be made in a general form that refers of all foods of that type e.g. vegetable oil, a cholesterol-free food. However, foods that have been specially processed, altered, formulated or reformulated so as to lower the amount of nutrient in the food or remove the nutrient from the food may bear such a claim.

(B) Comparative claims are claims that compare the nutrient levels and/or energy value of two or more foods. Examples are “less than”, “fewer”, “more than”, “reduced”, “lite/light”, etc. Comparative claims can be made if the foods being compared or “reference foods” are different versions of the same food or similar foods that are representative of the same type available in the market. The identity of the reference food shall be given and a statement of the amount difference in the nutrient content or energy value shall be expressed as a percentage or fraction, higher or lower than that of the food being compared. Also, the nutrient content per serving shall be provided. Full details of the comparison are needed.

Comparative claims are not allowed in the case where reference foods already contain “low” or “very low” level of nutrient content or energy value according to the established conditions of such terms.

(C) Nutrient function claims are claims relating to the function of a nutrient to the body. Examples are “Calcium aids in the development of strong bones and teeth” and “Iron is a factor in red blood cell formation”. Nutrient function claims are permitted provided the following conditions are met. Nonetheless, a claim statement is subject to the approval from FDA.

- C.1** Only those essential nutrients listed in the Thai RDIs shall be the subject of a nutrient function claim.
- C.2** The food for which the claim is made shall be a significant source of the nutrient in the diet.
- C.3** The claim must be made with reference to the nutrient not particularly to the food product.
- C.4** The claim must be based on reliable scientific evidence.
- C.5** The claim must not imply or include any statement to the effect that the nutrient would afford a cure or treatment for or protection from disease.

2.5.2 Health Claim

A health claim means any presentation which states, suggests or implies that a food or nutrient in the food has anything to do with disease or health condition. As many factors i.e. sex, age, heredity, etc can be causes of disease for an individual, no health claim is therefore allowed on food products.

SECTION 3: PACKAGING AND CONTAINER REQUIREMENTS

The Thai FDA requires that all packaging and containers of food must comply with the **Ministerial Notification No. 92, B.E. 2528 (1985) and No. 111, B.E. 2531 (1988)**. The guidelines on packaging and containers are as follows:

- (A) A container must:
 - 1. Be clean
 - 2. Not emit other substances to contaminate food in volume likely to be harmful to health
 - 3. Free of germ contamination
 - 4. Emit no color to contaminate food
- (B) Containers which are ceramic vessels or enameled metal vessels must have to conform to not only the quality and standards in (A) but also the quality or standard with respect to lead and cadmium as follows: The fused-out volume of detectable when analyzed according to the method described in the Association of Official Analytical Chemists (AOAC) Journal of the United States of America, 13th Edition, articles 25.031 to 25.034, or according to the method prescribed in the AOAC Journal of the United States of America of 1983, Volume 66, Part 3, Page 610 to 619 in the case of cooking utensils, shall not exceed the limit described in the Schedule 2 to the notifications.
- (C) Containers which are made of plastic must conform to not only the quality or standard in (1) but also the quality or standard in Schedule 1 to the notifications.
- (D) Plastics in the form of sheets or bags which are used as food containers must not be made from used plastic and must not be added with any color, except: a) in the case of laminate plastic, only the layer not coming into direct contact with the food; and b) in the case of plastic which are used for packing shelled fruits.
- (E) Plastic containers of milk, milk products, and other products similar to milk products (such as soybean milk and coconut milk) must be made from Polyethylene, Polypropylene, Polystyrene, or Polycarbonate.
- (F) Use of a container which has previously been used to pack or wrap a fertilizer, poisonous substance, or substance likely to be harmful to health as a food container is prohibited.
- (G) Use of a container which is made for packing other thing, which are not food or which bear a design or any statement that may cause a misconception with respect to the material parts of the food contained therein as a food container is prohibited.

SECTION 4: FOOD ADDITIVE REGULATIONS

Food additives mean the substances which normally are not used as food or essential ingredients of food, whether or not such substances have food value, but which are added for the benefits of

production technology, packing, storage or transport beneficial to the quality or standards or the nature of food. They also include the substances mixed with food for the purposes stated earlier. Food additives are specified as *specifically-controlled food* of which the quality or standards are defined. Use of food additives must follow the set objectives for specified kinds of food and maximum permissible quantity, grouped by usage under the following sections.

Section 1: Acidity Regulator

Section 2: Anticaking Agents

Section 3: Antioxidants and Antioxidant Synergists

Section 4: Salts

Section 5: Emulsifiers, Stabilizers and Thickeners

Section 6: Preservatives

Section 7: Firming Agents

Section 8: Carrier Solvents

Section 9: Miscellaneous

Use of food additives for purposes other than stated must be petitioned for the FDA's approval.

The list of allowed food additives are provided below.

(1) Sorbic acid	(2) Citric acid
(3) Benzoic acid	(4) Fumaric acid
(5) Phosphoric acid	(6) Malic acid
(7) Glacial acetic acid	(8) Lactic acid
(9) Propionic acid	(10) Alginic acid
(11) L-Tartratic acid	(12) Ascorbic acid
(13) Isoascorbic acid	(14) Glucono delta-lactone
(15) Glycerin	(16) Ammonium salts of phosphatidic acid
(17) Guar gum	(18) Carrageenan
(19) Calcium gluconate	(20) Calcium chloride
(21) Calcium carbonate	(22) Calcium citrate
(23) Calcium silicate	(24) Calcium sulphate
(25) Calcium sorbate	(26) Calcium disodium ethylenediamine tetraacetate
(27) Calcium propionate	(28) Calcium phosphate, dibasic
(29) Calcium phosphate, tribasic	(30) Calcium phosphate, monobasic
(31) Calcium lactate	(32) Calcium stearate
(33) Calcium alginate	(34) Calcium ascorbate
(35) Calcium hydroxide	(36) Cubric sulfate
(37) Edible gelatin	(38) Sorbitan tristearate
(39) Sorbitan monopalmitate	(40) Sorbitan monostearate
(41) Sulfur dioxide	(42) Silicon dioxide
(43) Sodium chloride	(44) Sodium carbonate
(45) Sodium carboxymethyl cellulose	(46) Sodium calcium silicoaluminate
(47) Sodium sulfite	(48) Sodium citrate

(49) DL-Sodium malate	(50) Sodium nitrate
(51) Sodium nitrite	(52) Sodium tartrate
(53) Sodium tripolyphosphate	(54) Sodium benzoate
(55) Sodium bicarbonate	(56) Sodium bisulfite
(57) Sodium propionate	(58) Sodium polyphosphate, glassy
(59) Sodium fumarate	(60) Sodium phosphate, dibasic
(61) Sodium phosphate, tribasic	(62) Sodium phosphate, monobasic
(63) Sodium metabisulfite	(64) Sodium lactate solution
(65) Sodium acetate	(66) Sodium aluminosilicate
(67) Sodium alginate	(68) Sodium L-ascorbate
(69) Sodium isoascorbate	(70) Sodium hydroxide
(71) Xanthan gum	(72) Dodecyl gallate
(73) Dimethyl polysiloxane	(74) Mixed tocopherols concentrate
(75) Nisin	(76) Butylated hydroxytoluene
(77) Butylated hydroxyanisole	(78) Propyl gallate
(79) Propylparaben	(80) Propylene glycol
(81) Propylene glycol alginate	(82) Propylene glycol esters of fatty acids
(83) Pectin	(84) Potassium chloride
(85) Potassium carbonate	(86) Potassium sorbate
(87) Potassium sulfite	(88) Potassium citrate
(89) Potassium nitrate	(90) Potassium nitrite
(91) Potassium benzoate	(92) Potassium bicarbonate
(93) Potassium phosphate, dibasic	(94) Potassium phosphate, tribasic
(95) Potassium phosphate, monobasic	(96) Potassium malate solution
(97) Potassium metabisulfite	(98) Potassium lactate solution
(99) Potassium acetate	(100) Potassium alginate
(101) Potassium hydroxide	(102) Polyglycerol esters of fatty acids
(103) Polyoxyethylene (20) sorbitan monostearate	(104) Polyoxyethylene (20) sorbitan monooleate
(105) Furcellaran	(106) Ferrous gluconate
(107) Methyl cellulose	(108) Methylparaben
(109) Methyl ethyl cellulose	(110) Magnesium carbonate
(111) Magnesium stearate	(112) magnesium hydroxide
(113) Modified starches	(114) Mono- and diglycerides
(115) Citric acid esters of mono- and diglycerides	(116) Diacetyltartaric acid esters of mono- and diglycerides
(117) Lactic acid esters of mono- and diglycerides	(118) Acetic acid esters of mono- and diglycerides
(119) Lecithin	(120) Octyl gallate
(121) Aluminium stearate	(122) Alpha-tocopherol
(123) Agar	(124) Acacia
(125) Ethylparaben	(126) Ammonium carbonate
(127) Ammonium bicarbonate	(128) Ammonium alginate
(129) Strong ammonia solution; stronger ammonia water	(130) ascorbyl palmitate

(131) Ascorbyl stearate	(132) Isopropyl citrate mixture
(133) Hexamethylenetetramine	

Codex additives are generally acceptable.

The substances prohibited to be added in or to be manufactured, imported or sold as food ingredients are as follows:

1. Brominated vegetable oil
2. Salicylic acid
3. Boric acid
4. Borax
5. Calcium iodate or Potassium iodate
6. Nitrofurazone,
7. Potassium chlorate
8. Formaldehyde, Formaldehyde solution and Paraformaldehyde
9. Coumarin; 1,2-Benzopyrone; 5,6-Benzo-alpha-pyrone; Cis-o-coumaric acid, anhydride; or O-hydroxycinnamic acid, lactone
10. Dihydrocoumarin, Benzodihydropyrone, 3,4-Dihydrocoumarin or Hydrocoumarin
11. Methyl alcohol or Methanol
12. Diethyleneglycol, Dihydroxydiethyl ether, Diglycol, 2,2'-Oxybis-ethanol or 2,2'-Oxydiethanol
13. Dulcin (Para-phenetolcarbamide)
14. Cyclamic acid and its salts (except Sodium Cyclamate)
15. AF-2 (Furylframide)
16. Potassium bromate
17. Daminozide or Succinic acid 2,2-dimethylhydrazide
18. Stevia and derivatives.

SECTION 5: PESTICIDE AND OTHER CONTAMINANTS

Food containing pesticide residues and contaminants are categorized as *standardized food*, which the Ministry of Public Health regulates. In addition, two agencies of the Ministry of Agriculture & Cooperatives – Department of Agriculture (DOA) and the National Bureau of Agricultural Commodity & Food Standards (NBACFS) – are responsible for establishing the Maximum Residue Limit (MRL). DOA is responsible for conducting research and analysis and NBACFS is responsible for monitoring and conducting international negotiations.

5.1 Food Containing Pesticide Residues

The tolerance levels of residues allowed in foodstuffs are defined as Extraneous Residue Limit (ERL) and Maximum Residue Limit (MRL). Detailed information on pesticide residues is available in the Ministerial Notification No. 163 of B.E. 2538 (1995). Codex has been used as a guideline and its pesticide levels are generally acceptable. The Thai government is reviewing a new directive on MRL, which is scheduled to be in place by the end of 2004.

5.2 Food Containing Contaminants

According to **Ministerial Notification No. 98 of B.E. 2529 (1986)**, food shall not contain contaminants with more than the following specifications.

1. Metals

Tin:	250	mg/kg
Zinc:	100	mg/kg
Copper:	20	mg/kg
Lead:	1	mg/kg with the exception for foods that contain high amount of natural lead. Such foods shall seek the approval from FDA
Arsenic:	2	mg/kg
Mercury:	0.5	mg/kg for seafood and not more than 0.02 mg/kg for other foods

2. Aflatoxin: 20 mcg/kg
3. Other contaminants shall be subject to FDA approval.

Note that the above regulations are not be applicable to *specifically-controlled food* or other *standardized food* declared by the Ministry of Public Health and for which the quantity of contaminants may be specified otherwise by the Ministry.

SECTION 6: OTHER REGULATIONS AND REQUIREMENTS

6.1 Laboratory Testing

Specifically-controlled food and *standardized food* are food products subject to official laboratory testing. This is to ensure that the products meet standard requirements, that the products are free from all microbial organisms and toxic chemical substances that are not safe for consumption, and that the products are of good nutritional quality. The fees for laboratory testing vary, up to a maximum of USD 750, depending on the level of complexity involved in the process of analyzing the products.

6.2 Shelf Longevity and Packaging

Shelf longevity and packaging are critical issues. The long shipping time and the likelihood that products are to be passed through multiple marketing channels before reaching the hands of consumers should be considered. In terms of logistics, U.S. exporters should note that few cold storage facilities and delivery trucks are available. As far as the hot and humid climate in Thailand is concerned, moisture resistant outer and inner packaging will be needed to preserve product quality.

6.3 Product Samples and Mail Order Shipments

A limited amount of processed or packaged food samples for product registration and consideration for purchase can be brought in without an import license from the FDA. However, samples of raw, fresh or frozen foodstuffs e.g. meat, vegetables and fruits may be subject to other regulations established by the concerned authorities. In certain cases, a health certificate or phytosanitary certificate will be required. Mail order shipment of products for sale are also subject to the same rules and regulations imposed by the FDA and other relevant authorities as those of regular imports. For more information, see details in the following sections.

6.4 Certification and Documentation Requirement

After March 9, 2004, the Food & Drug Administration requires that importers of hazard-risk food products must present in each product shipment a certification of the product wholesomeness that meets the FDA standards. This is to ensure product safety for human consumption. The certification must be endorsed by the appropriate government agency or an institute accredited by the government of the exporting country. Although the FDA is the process of determining the types of hazard-risk products and the requirement standard, it is likely that the following 27 categories will be included: modified milk for infants/children, food for infants/children, supplementary food for infants/children, drinks in sealed containers, milk powder, flavored milk, cultured milk, ice cream, milk products, food for weight control, food color/food enhancers/food additives, cheese, mineral drinks, honey, sauce and products containing sauce, chocolate, supplementary food, chilled/frozen fruits and vegetables, frozen seafood, spice, peanut and its products, soybean and its products, corn and its products, meat products, royal jelly and its products, seaweed (chlorella and spirulina) and its products, and dried fruits and vegetables.

6.5 Import Control Under the Tariff Rate Quota (TRQ)

Thailand is permitted to establish TRQs for 23 agricultural products under the WTO Agreement on Agriculture. The products under the TRQs system are divided into two groups. The first group comprises a number of traditional export commodities (e.g. rice, coconuts), where comparative advantage could preclude the need for import protections. A second group consists of commodities, which can be produced domestically but importation is necessary to meet the high demand of the processing industry (e.g. oilseed, corn). In administering the TRQs for the latter group, the RTG will issue higher-than-commitment in-quota amounts and/or lower-than-commitment in-quota duties, when domestic production is not sufficient to cover the demand, especially for export-oriented industries. In years of sufficient domestic supply or surpluses, the RTG will limit in-quota imports, both in-quota amount and in-quota duties, only to the level which is obligated in the WTO agreement. More details on the tariff-rate quotas and the out-quota tariff rates are provided in FAS/Bangkok's Trade Policy Monitoring Annual Report 2003 (TH3049).

The covered commodities under the TRQ system are listed as follows:

1. Milk and cream, and flavored milk
2. Skim milk
3. Potato
4. Onion
5. Garlic
6. Coconut
7. Copra
8. Coffee bean
9. Tea
10. Pepper (piper nigrum L.)
11. Corn
12. Rice
13. Soybeans
14. Onion seeds
15. Soybean oil

16. Palm and palm oil
17. Coconut oil
18. Sugar
19. Instant coffee
20. Soybean meal
21. Tobacco leaf
22. Raw silk
23. Dried longan

The Department of Foreign Trade, Ministry of Commerce is monitoring the imports of these products and requires that any importer must apply for an import permit. An amount of allocated import quota is normally determined by the purchase of domestic supplies. This domestic absorption requirement is apparently against the WTO agreement.

6.6 Specific Import Control on Unprocessed Meat and Meat Carcasses

The Department of Livestock Development (DLD), Ministry of Agriculture and Cooperatives directly monitors the importation of meat. An import permit from DLD is required for these products, frozen or chilled. Prior to importation, an application for a permit should be completed and submitted to the Animal Quarantine Station at the port (sea or air) of entry where the products will be shipped, whether by air or by sea. Also, a health certificate is needed. Upon entry, the Animal Quarantine Station must inspect the products prior to release by the Thai Customs. Generally, a U.S. health certificate is acceptable. However, the DLD may re-inspect imported meat and live on a random basis as they enter Thailand.

The DLD is also collecting import permit fees on uncooked red meat, poultry, and meat offal mainly to protect domestic producers. Fees on red meat (beef, buffalo meat, goat meat, lamb, and pork) are 5 baht/kg, followed by 10 baht/kg for poultry meat and 5 baht/kg (US\$ 114/ton) for offal.

The DLD also requires that: 1) importers must have a DLD-approved cold storage facility, of which the quality is subject to determined standards; and 2) all imported meat and meat by-products coming into Thailand must be delivered from DLD-approved slaughterhouses, which may also be subject to annual inspection by DLD veterinarians. The focus of the meat plant inspections would be the disease control and surveillance system, epidemic status, ante-mortem transportation, slaughtering process and meat inspection, post-mortem transportation to export port, and laboratory tests.

Shortly after the regulation's announcement, the DLD provided a grace period of one year for all meat imports during 2001, as they needed to work out the details and specific requirements of this plant inspection program. FAS/Bangkok approached high-ranking DLD officials about the regulation and they finally agreed to waive the regulation for another year in 2002. In the case of U.S. meat and offal, the DLD also agreed to accept U.S. meat plants listed on the Meat and Poultry Inspection Directory issued by the Food Safety Inspection Service (FSIS) as plants eligible for exporting meat and offal into Thailand for the past few years as an interim measure.

However, the Thai Department of Livestock Development (DLD) recently decided not to extend the two-year waiver of this regulation to require the inspection of meat processing facilities in

supplier countries. Enforcement of this regulation was scheduled to begin January 1, 2003.

6.7 Specific Import Control of Seafood

Imports of seafood, frozen or chilled, are under the supervision of Thai FDA. Basically, an import permit (normally granted shipment by shipment) is needed, together with a permit for distribution.

6.8 Specific Import Control on Fruits and Vegetables

The Department of Agriculture, Ministry of Agriculture and Cooperatives, instead of the Thai FDA, monitors importation of fruits and vegetables. An import permit from DOA is required. Upon the products arrival, the imported fruits or vegetables must be accompanied by a phytosanitary certificate issued by the appropriate Authority in the country of origin. According to the **Plant Quarantine Act of B.E. 2507 (1964) and revised in B.E. 2542 (1999)**, plants and plant products have been classified as prohibited, restricted and unrestricted. Plants which are prohibited shall be imported only for research purposes and subject to the approval from the Department of Agriculture.

SECTION 7: OTHER SPECIFIC STANDARDS

Each food product listed in the food category table in Section I has its specific product standards/requirements. The FDA is the regulating authority. Special labeling regulations on some products are provided below. Detailed information on particular products can be obtained from the Food Control Division, FDA.

7.1 Quality Labeling

In general, wordings or statements which imply or mark product quality such as “premium grade” or “grade A” are considered misleading by the FDA, thus are prohibited.

7.2 Alcoholic Beverages

Labeling requirements for alcoholic beverages are stipulated in **Ministerial Notification No. 275 of B.E. 2540 (1997)**.

7.3 Coffee Drink

Labeling requirements for alcoholic beverages are stipulated in **Ministerial Notification No. 276 of B.E. 2540 (1997)**.

7.4 Tea Drink

Labeling requirements for alcoholic beverages are stipulated in **Ministerial Notification No. 277 of B.E. 2540 (1997)**.

SECTION 8: PATENT, COPYRIGHT AND TRADEMARK LAWS

Protecting industrial rights is basically the responsibility of each company. A foreign patent which has not been granted a separate patent in Thailand receives no protection under the **Patent Act**. However, foreign patent holders in foreign countries may enter into business transactions with parties in Thailand and seek equivalent protection through contractual obligations in the form of licensing agreement. Since foreign patents receive no protection under the Thailand's Patent Act, no civil or criminal action can be taken against a third party who produces or sells a patented product in Thailand without paying fees to the holder of the foreign patent or who applies in Thailand for a patent already patented in other countries. Nevertheless, legal solutions to such conflicts may be available under separate legislation.

An application for a patent shall be filed with the Department of Intellectual Property. An applicant domiciled abroad must be represented by one of the patent agents registered with the Department of Intellectual Property.

International copyrights are well defined in the **Copyright Act of B.E. 2537 (1994)**. A copyrighted work of a creator and rights of a performer whose country is a party to the Treaty for the Protection of Copyrights or the Treaty for the Performer's Rights to which Thailand is a party, or a copyrighted work of an international organization of which Thailand is a member shall be protected by the Act.

The **Trademark Act of B.E. 2534 (1991), as amended by the Trademark Act (No 2) B.E. 2543 (2000)**, governs registration and provides protection for trademarks. Included in the Act is a prohibition on importing objects bearing marks which are similar to or counterfeit of trademarks registered with the Trademark Office.

Well-known marks are sufficiently protected in Thailand by two methods. The first one is preventative in nature as it is embodied in the registration process. The trademark registrar will refuse to register any mark which is identical or similar to the well-known mark, misleading or confusing the public as to the proprietor or origin of the goods. The second one is correction in nature. In the case that the mark has already been registered, any interested party or the registrar may file a petition to the Trademark Board to order the revocation of such mark if it can be proved that the mark is not registrable under the Trademark Act.

Nonetheless, it is basically the responsibility of each proprietor to have a separate trademark registration in Thailand. A trademark applicant must be completed by the proprietor or his appointed attorney/agent, in Thai, and filed with the Department of Intellectual Property on official forms. The proprietor or his attorney or agent must have a place of business or address in Thailand which the Department can contact.

SECTION 9: IMPORT PROCEDURES

Imported goods may not legally enter into Thailand until the shipment has arrived at specified port of entry and delivery of the merchandise has been authorized by the Thai Customs Department. This is normally accomplished by filing the appropriate documents, either by the importer or by its agent.

The Customs Department does not notify the importer of the arrival of a shipment. Notification is usually made by the carrier of the goods. The importer should make their own arrangements to be sure that they or their agent will be informed of the arrival of shipment immediately so that the entry can be filed and delays in obtaining the goods are avoided.

9.1 Custom Duties

Imports arriving by air, sea or land have a clearance process which is similar to that carried out in most other countries. In order to clear goods arriving by sea, the importer has to go to the Customs House and file an entry form, together with all relevant documents, such as the invoice, packing list, a copy of bill of lading, and import declaration. Import documents, if translated into Thai, will help expedite customs clearance. In cases where imports are subject to business tax, the importer is also required to have a business tax registration number.

After these documents have been processed, and the goods have arrived, the importer must pay applicable tariff duties and business taxes. In cases where total duties have not been determined or where urgent clearance is necessary, a deposit may be made. The documents must be taken to the warehouse and presented to an inspector who will make a report on the entry form. If there is a discrepancy, the goods will be retained until additional duty or a fine is paid.

The Port Authority will then calculate landing and storage charges based upon the size or gross weight of the package. After paying these charges, the importer must submit receipts and the release order or delivery order to obtain a warehouse receipt which will allow the imported goods to be claimed. With proper documents, the entire customs clearance normally takes 2-3 days.

For disputed and/or rejected products, an appeal can be made with the Legal Affairs Bureau, Customs Department.

9.2 Customs Clearance of Prepacked Foodstuffs

Prepackaged foodstuff will need additional inspection by related authorities before proceeding to regular customs formalities. In addition to the FDA, other concerned officers such as animal quarantine officers, plant quarantine officers, and fisheries department officers, are stationed at the port of entry to determine whether certain imported foodstuffs meet the requirements set by their agencies. In such cases, certain certificates i.e. health certificate or phytosanitary certificate, may be required. More detailed information is contained in the relevant sections of this report.

SECTION 10: CONCLUSIONS /RECOMMENDATIONS FOR U.S. EXPORTERS

Thailand's food laws encompass the control of domestic manufacturing, importation and standard requirements. Basically, an import license, product registration, or standards labeling (depending on the types of food) are required for importation of food products for sale. While it is the responsibility of an importer to get an import license, product registration, and standards labeling, it is essential that U.S. exporters know what the local authority requires so that they can

help expedite the processes by providing the required information and documentation.

Product registration and labeling approval can be done within a month if all necessary documents and proper details are well presented. For product registration, the results of a food analysis from a U.S. government certified laboratory, if available, should be provided to avoid any delays that would be caused by local laboratory testing. Details on manufacturing processes are crucial in obtaining a product license. For labeling, note that the Thai authorities have adopted the metric system in weight measures so, for compliance, imperial units should be converted.

Once label approval is granted, exporters should have their local agents prepare stick-on Thai language labels and dispatch them so that they can be applied to products prior to entry. Note that industrial food items imported by food service outlets or manufacturers themselves to be used as ingredients or materials for food processing are exempt from product registration and labeling regulations.

In shipping products, U.S. exporters should remember that Thailand is a tropical hot and humid country where few cold storage facilities exist. Hence, proper precautions should be made with regard to product packaging.

For customs clearance of processed food, there is no additional documentation that exporters should provide other than normal shipping documents. Note however, that raw, fresh, chilled or frozen foodstuffs, e.g. meat, vegetables and fruits, are subject to other regulations. In such cases, additional certification, i.e. phytosanitary certificate and health certificates issued by the relevant U.S. authorities, are required. Otherwise, the products will not be released from the Customs House.

Another critical issue is trademark registration. To obtain trademark protection, U.S. exporters should have their trademark registered in Thailand prior to export. As the local regulatory environment is complicated and an applicant is required to have an address in Thailand, we recommend that exporters appoint a local consultant to proceed with the registration on their behalf.

To get started in a new market is challenging, especially for new exporters. Initial visits to the market for industry information and regulatory information in addition to personal interaction with potential business partners/clients are highly recommended. Successful trading relationships are best begun with firm personal relationship. A visit to the Agricultural Office of the U.S. Embassy in Bangkok can be helpful to get started as we can provide many in-market support services.

APPENDIX A: MAJOR REGULATORY AGENCIES**FOOD AND DRUG ADMINISTRATION, MINISTRY OF PUBLIC HEALTH**Import License, Product Registration and Label Approval

Ms. Chitra Seta-udom
Director
Food Control Division
The Food and Drug Administration
Tivanont Road, Muang
Nonthaburi 11000
Tel. (662) 590-7178
Fax (662) 591-8460
E-mail: schitra@fda.moph.go.th

Mrs. Jureerat Horkiatti
Assistant Director
Group of Pre-Marketing Control
Food Control Division
The Food and Drug Administration
Tivanont Road, Muang
Nonthaburi 11000
Tel. (662) 590-7195
Fax (662) 591-8460
E-mail: schitra@fda.moph.go.th

Food Inspection

Inspection Division
The Food and Drug Administration
Tivanont Road, Muang
Nonthaburi 11000
Tel. (662) 590-7323
Fax (662) 591-8477
E-mail: food@fda.moph.go.th

DEPARTMENT OF MEDICAL SCIENCES, MINISTRY OF PUBLIC HEALTHFood Analysis

Food Analysis Division
Department of Medical Sciences

Soi Bumratnaradul Hospital
Muang, Nonthaburi 11000
Tel. (662) 951-0000 Ext. 9561
Fax (662) 951-1023

DEPARTMENT OF FOREIGN TRADE, MINISTRY OF COMMERCE

Import Control

Commodity Trade Division
Department of Foreign Trade
Sanam Bin Nam-Nonthaburi Road
Nonthaburi 11000
Tel. (662) 547-4737
E-mail: cdtdft@moc.go.th

Commodity Division I
Department of Foreign Trade
Sanam Bin Nam-Nonthaburi Road
Nonthaburi 11000
Tel. (662) 547-4801

Grain Division
Department of Foreign Trade
Sanam Bin Nam-Nonthaburi Road
Nonthaburi 11000
Tel. (662) 5474820

DEPARTMENT OF LIVESTOCK, MINISTRY OF AGRICULTURE AND COOPERATIVES

Animal Quarantine (Livestock and Carcasses)

Director
Animal Quarantine Inspection Services
Department of Livestock Development
Phyathai Road
Bangkok 10400
Tel. (662) 653-4444 Ext. 4110
Fax (662) 653-4865
E-mail: dcontrol8@dld.go.th

Bangkok Seaport Animal Quarantine Station
Klong Toey Port

Bangkok 10110
Tel. (662) 249-2112
Fax (662) 249-4358

Bangkok Airport Animal Quarantine Station
Don Muang
Bangkok 10900
Tel. (662) 535-1546
Fax (662) 535-1210

DEPARTMENT OF FISHERIES, MINISTRY OF AGRICULTURE AND COOPERATIVES

Marine Animals

Chief of Fisheries Administration & Management Section
Fisheries Resources Conservation Division
Department of Fisheries
Kasetsart University, Chatuchak
Bangkok 10900
Tel. (662) 562-0600/15 Ext 3509
Fax (662) 562-0528
E-mail: fishtradeins@dof.thaigov.net

DEPARTMENT OF AGRICULTURE, MINISTRY OF AGRICULTURE AND COOPERATIVES

Plant Quarantine

Plant Quarantine Subdivision
Agricultural Regulatory Division
Department of Agriculture
Chatuchak, Bangkok 10900
Tel. (662) 940-6573, 940-6670 Ext. 108
Fax (662) 579-4129
E-mail: ard@doa.go.th

Plant Quarantine Control Post
Cargo Building
Donmuang Airport
Bangkok 10900
Tel. (662) 535-1435
Fax (662) 523-6622
E-mail: ard@doa.go.th

EXCISE DEPARTMENT, MINISTRY OF FINANCELicense of Alcoholic Beverages

License Subdivision
Bureau of Tax Administration 1
Excise Department
1488 Nakhon Chaisri Road
Bangkok 10300
Tel. (662) 243-0525
E-mail:

DEPARTMENT OF INTELLECTUAL PROPERTY, MINISTRY OF COMMERCEApplication for Patent and Trademark

Services and Information Division
Department of Intellectual Property
338 Rachadapisek Road
Huay Kwang, Bangkok 10320
Tel. (662) 275-4854
Fax (662) 276-0061

CUSTOMS DEPARTMENT, MINISTRY OF FINANCEImport Formalities

Import Formalities Division
Customs Department
Klong Toey, Bangkok 10110
Tel. (662) 249-4266, 671-5250
Fax (662) 249-4297

Legal Affairs

Legal Affairs Bureau
Customs Department
Klong Toey, Bangkok 10110
Tel. (662) 671-7560 Ext. 9310, 9311
Fax (662) 671-7626

APPENDIX B: LOCAL CONTACTS**U.S. EMBASSY**

Foreign Agricultural Service
U.S. Embassy
Wireless Road
Bangkok 10330
Tel. (662) 205-5106
Fax (662) 255-2907
E-mail: agbangkok@usda.gov

CODEX CONTACT

Mr. Worwate Tamtongtanyalak
Secretary General
Office of Commodity and System Standard
National Bureau of Agricultural Commodity and Food Standards
Ministry of Agriculture and Cooperatives
Ratchadamnoen-Nok Road
Phanakorn
Bangkok 10200
Tel. (662) 281-8600
Fax: (662) 281-6182
E-mail: acfs@acfs.go.th

AMERICAN CHAMBER OF COMMERCE

7 th Fl., Kian Gwan Building 1
140 Wireless Road
Bangkok 10330
Tel. (662) 251-9266/7, 251-1605, 651-4473
Fax (662) 255-2454
E-mail: info@amchamthailand.com

U.S. DAIRY EXPORT COUNCIL

Southeast Asian Representative Office
U.S. Dairy Export Council
Pacrim Associates Limited
11/14 Soi Ruam Rudee
Wireless Road
Bangkok 10330
Tel. (662) 689-6311
Fax (662) 689-6314

E-mail: usdec@pacrimassociates.com

U.S. DRY PEA AND LENTIL COUNCIL

AgriSource Co.,Ltd.
No. 416, 4 th Fl., Ambassador's Court
76/1 Soi Langsuan
Ploenchit Road
Bangkok 10330
Tel. (662) 251-8655/6, 251-8669, 251-8772
Fax (662) 251-0390
E-mail: agsource@loxinfo.co.th

AMERICAN SOYBEAN ASSOCIATION

Thailand Representative
59/43 Baan Klangmuang
Ladprao 71 Road
Bangkok 10230
Tel. (662) 539-5373, 539-5332
Fax (662) 539-5256
E-mail: asathai@loxinfo.co.th

Regional Contacts who also cover Thailand:

AMERICAN SOYBEAN ASSOCIATION (SINGAPORE)

#11-03 Liat Towers
541 Orchard Road
Singapore 238881
Tel: 656-737-6233
Fax: 656-737-5849
E-mail: asaspore@pacific.net.sg

USA POULTRY & EGG EXPORT COUNCIL

#15-04 Liat Towers
541, Orchard Road
Singapore 238881
Tel: 656-737-1726
Fax: 656-737-1727
E-mail: usapeec_sing@pacific.net.sg

U.S. MEAT EXPORT FEDERATION

#15-03 Liat Towers

541 Orchard Road
Singapore 238881
Tel: 656-733-4255-6
Fax: 656-732-1977
E-mail: singapore@usmef.com.sg

U.S. WHEAT ASSOCIATES

#15-02 Liat Towers
541 Orchard Road
Singapore 238881
Tel: 656-737-4311
Fax: 656-733-9359
E-mail: msamson@uswheat.org

WINE INSTITUTE OF CALIFORNIA

Block 3 Alexandra Distripark
Unit 08-22 Pasir Panyang Road
Singapore 118383
Tel: 656-278-3832
Fax: 656- 278-4372
E-mail: Richelieu@lieumktg.com.sg

UNITED STATES POTATO BOARD

Block 3 Alexandra Distripark
Unit 08-22 Pasir Panyang Road
Singapore 118383
Tel: 656-278-3832
Fax: 656- 278-4372
E-mail: Richelieu@lieumktg.com.sg

PEAR BUREAU NORTHWEST

Block 3 Alexandra Distripark
Unit 08-22 Pasir Panyang Road
Singapore 118383
Tel: 656-278-3832
Fax: 656- 278-4372
E-mail: Richelieu@lieumktg.com.sg

RAISIN ADMINISTRATIVE COMMITTEE

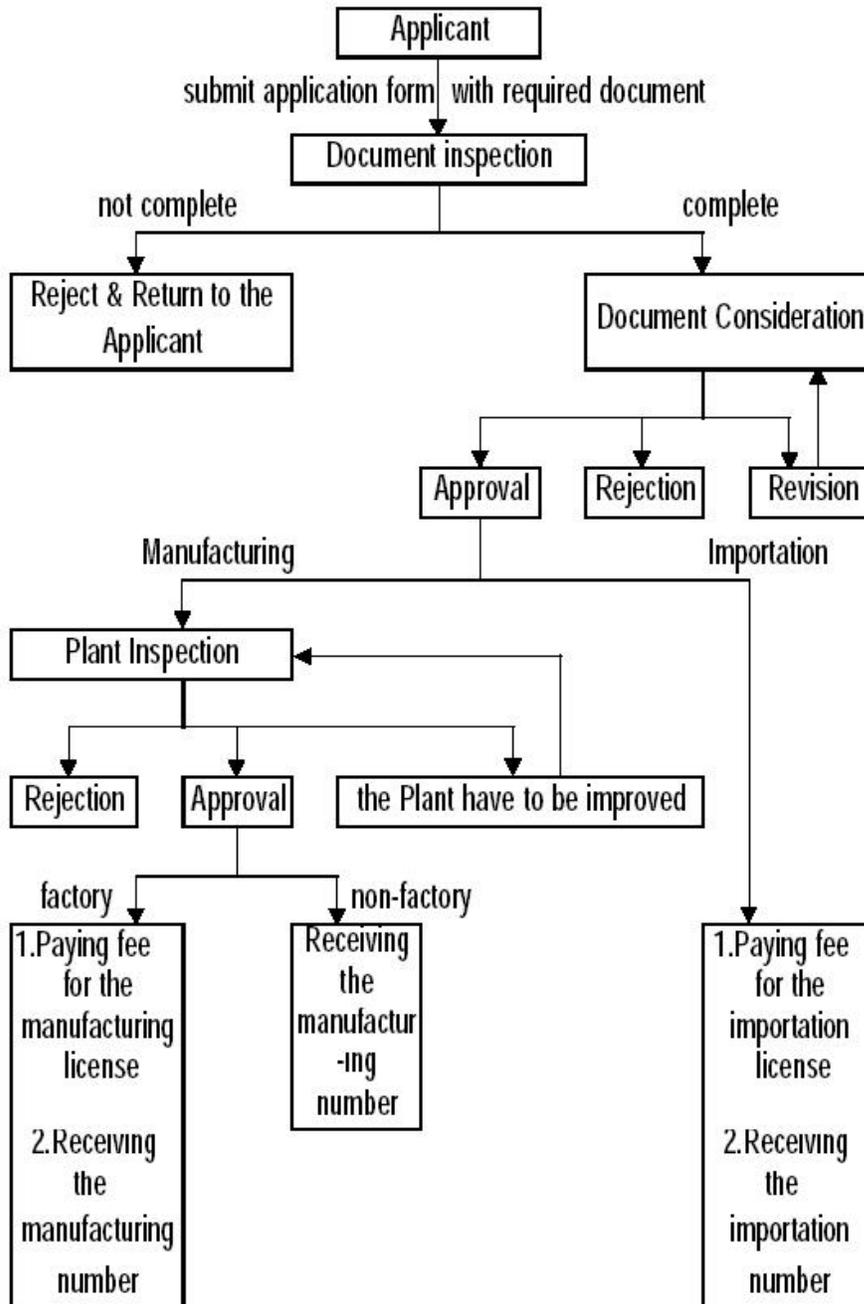
Block 3 Alexandra Distripark
Unit 08-22 Pasir Panyang Road
Singapore 118383
Tel: 656-278-3832
Fax: 656- 278-4372
E-mail: Richelieu@lieumktg.com.sg

**CALIFORNIA PISTACHIO COMMISSION
CALIFORNIA TABLE GRAPE COMMISSION
CALIFORNIA TREE FRUIT AGREEMENT**

Block 3 Alexandra Distripark
Unit 08-22 Pasir Panyang Road
Singapore 118383
Tel: 656-278-3832
Fax: 656- 278-4372
E-mail: Richelieu@lieumktg.com.sg

APPENDIX C: A FLOW CHART OF FOOD IMPORT LICENSE APPLICATION

PROCEDURE IN APPLY FOR IMPORTATION LICENSE, MANUFACTURING LICENSE AND MANUFACTURING NUMBER



APPENDIX D: THE APPLICATION FORM FOR PRODUCT IMPORT LICENSE

1.7

File No.

Date

(For Officer Only)

The Application for Import Food into the Kingdom

Write on

Date Month Year

I. The applicant name Age year

Nationality I/D card No. Given by

Address Trok/Soi Road Commuqe No.

Sub-District/Tambon District/Amphur Province

Tel.

II. To submit import licence in the name of

..... that The manager
(name of the applicant)

The import office name Address

Trok/Soi Road Commuqe No. Sub-District/Tambon

District/Amphur Province Tel.

The storage address Trok/Soi Road Commuqe No.

Sub-District/Tambon District/Amphur Province

Tel.

III. To import food

.....

.....

.....

IV. Enclosed herewith are the following supporting evidences

(1) 2 copies of details of the equipments which store of keep food quality

(2) 2 copies of maps of the import office and the storage and buildings

surrounding

(3) 2 copies of plans inside the store

(4) A copies or photocopy of power of domicile or domestic registration

(5) A copies or photocopy of power of attorney registered at the Ministry of

Commerce

(6) A certificate from the juristic person that permit the applicant of operate

business.

(7) A copy or photocopy of trade or commercial registration

(8) A certificate of nationality of the juristic person from the Ministry of

Commerce

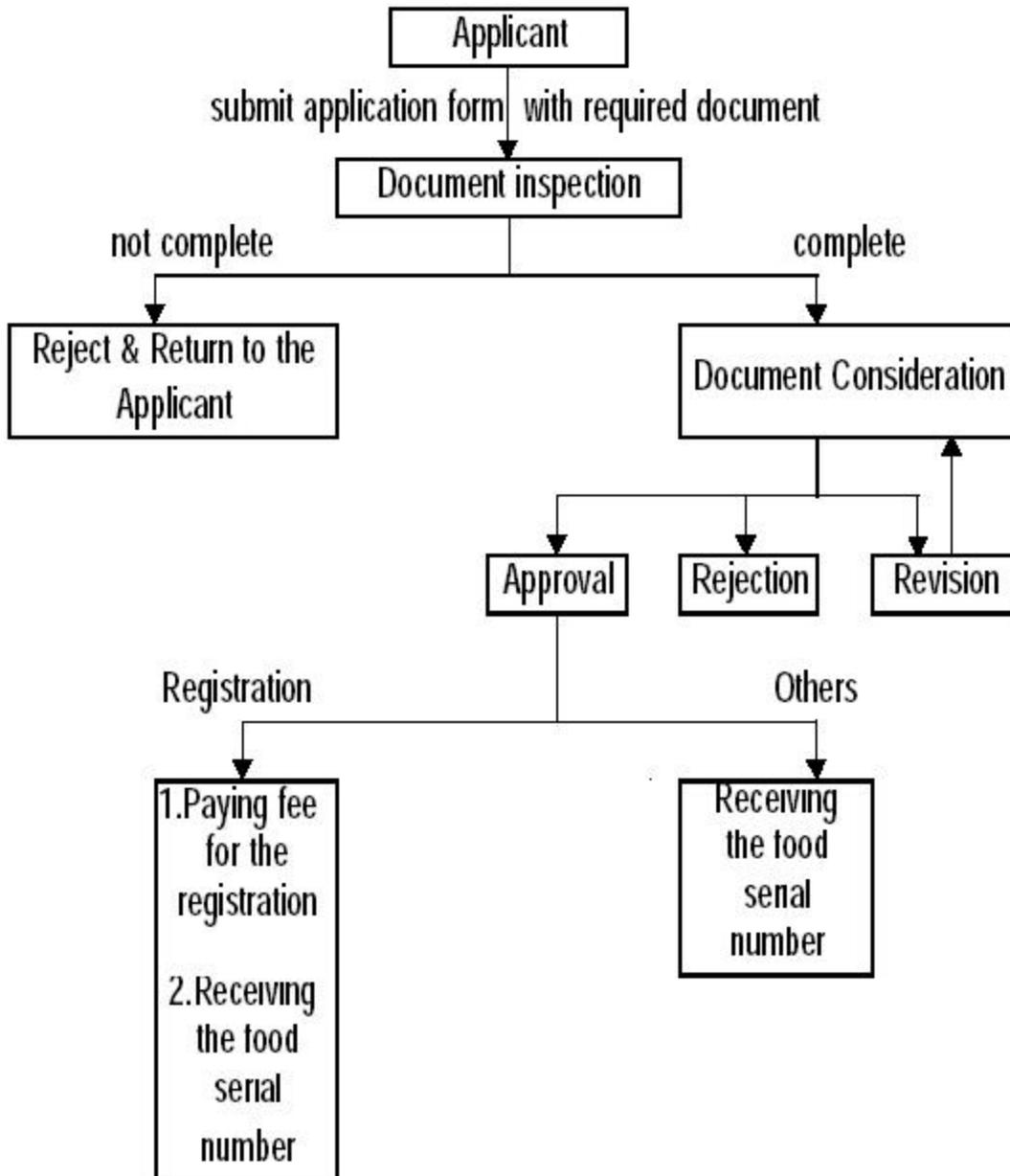
(sign) The Applicant

Download : - The Application for Import Food into the kingdom
- Sanitary Confirmation of Importer

D:\update_web\food\eng\Importation1.doc

APPENDIX E: A FLOW CHART OF PRODUCT REGISTRATION AND LABELING

PROCEDURE IN APPLY FOR PRODUCT REGISTRATION, LABEL APPROVAL AND NOTIFY FOR FOOD SERIAL NUMBER



APPENDIX F: THE APPLICATION FORM FOR PRODUCT REGISTRATION

Product Registration Application Form * Translation Only *
(Only a Thai application form can be used.)

Specifically-controlled food under Ministerial Notification No.....? ? ..

Trade name in Thai:

In other language:

Category of food:

Type:

Characteristics of food:

Type of Container/Package

Size

List of Ingredient and percentage used

Name Quantity Name Quantity

Manufacturing Process:

Manufacturer:

Address:

Importer:

Address:

Production license or Import license No.

Issue Date:

Food analysis report from:

- Enclosure: 1) Product label 4 copies
2) Product sample 1 sample
3) Product instruction 4 copies (if applicable)
4) Food analysis report 4 copies
5) Other supporting documents 4 copies

(Signature)? ? ? ? ? ? ? ?

APPENDIX G: Documents Required for application Registration and Food Serial Number**(for Factory-manufacturer for specific controlled food products)**

1. An application form for each food product registration, registration, already filled in all information.
2. A certificate of analysis for the applied food product and its copy issued by government laboratory from the country of origin, government laboratory in Thailand or the private laboratory accredited by government. The submitted certificate should have been issued not more than one year. The analysis result have to comply with the quality or standard specified in the Ministerial notification.
3. 4 copies of label in Thai and in foreign language (if any)
4. 4 copies of leaflet (if there is the leaflet enclosed in the applied food package)
5. product formulation (needed for filling the application form to declare the ingredients used)
6. production process in brief but clear enough for identifying the characteristic and physical properties of product
7. 1 unit of product sample
8. 2 copies of translation of text in label or documents attached if the language used is not English
9. A GMP Certificate (or equivalent) and one copy.
10. Copy of import license or manufacturing license.

FDA may ask for additional document in case of the formulation, process, packaging and claim are not clear enough or not correspondent to the product.

If the product contains new ingredients, for example, new type of algae which does not have the safety data for consumption, Certificate of Free Sale or certificate recommended that the product as such is safe for human consumption is required.

APPENDIX I: Documents Required for Applying for Label Approval and Food Serial Number

In general, required documents include:

- (A) 2 copies of filled application form
- (B) 5 copies of label or sample of label
 - if labels of all packing sizes have the same text, it must be certified in the application form, and only one size is needed.
 - if food is imported, there must be 5 copies of foreign labels with Thai Labels attached in the way that food is presented for marketing
- (C) 1 unit of food sample
- (D) 2 copies of certificate of analysis for specific controlled food and standardized food, (one of them is original) issued by government laboratory (from Thailand or country of origin) not later than one year from the date of issuing
 - the analysis result must be in accordance with the quality or standard specified in the Ministerial notification
- (E) 2 copies of translation of text in label or documents attached if the language used is not English.
- (F) A GMP Certificate (or equivalent) and one copy.
- (G) Copy of import license or manufacturing license.

End of Report